

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, SEPTEMBER 15, 2004**

**C-1     CALL TO ORDER / ROLL CALL**

The City Council Closed Session meeting of September 15, 2004, was called to order by Mayor Hansen at 5:32 p.m.

Present: Council Members – Beckman, Hitchcock (arrived at 5:35 p.m.), Howard, Land, and Mayor Hansen

Absent: Council Members – None

Also Present: Interim City Manager Keeter, City Attorney Schwabauer, and City Clerk Blackston

**C-2     ANNOUNCEMENT OF CLOSED SESSION**

- a) Conference with labor negotiators, Human Resources Director Joanne Narloch and Rick Bolanos, regarding Police Officers Association of Lodi and Lodi Police Dispatchers Association, pursuant to Government Code §54957.6
- b) Conference with labor negotiators, Human Resources Director Joanne Narloch and Rick Bolanos, regarding Lodi City Mid-Management Association, pursuant to Government Code §54957.6
- c) Prospective sale of real property located adjacent to 2028 Edgewood Drive (APN #039-10-18); negotiating parties are City of Lodi and property owner Bruce Sasaki; Government Code §54956.8
- d) Actual litigation: Government Code §54956.9(a); one case; Rogers v. City of Lodi et al., U.S. District Court, Eastern District, Case No. Civ. S-02-1961 DFL JFM
- e) Actual litigation: Government Code §54956.9(a); one case; People of the State of California; and the City of Lodi, California v. M & P Investments, et al.; United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM
- f) Actual litigation: Government Code §54956.9(a); one case; Hartford Accident and Indemnity Company, et al. v. City of Lodi, et al., Superior Court, County of San Francisco, Case No. 323658
- g) Conference with legal counsel – initiation of litigation: Government Code §54956.9(c); two cases
- h) Conference with legal counsel – anticipated litigation – significant exposure to litigation pursuant to subdivision (b) of Section 54956.9; one case; pursuant to Government Code §54956.9(b)(3)(A) facts, due to not being known to potential plaintiffs, shall not be disclosed
- i) Actual litigation: Government Code §54956.9(a); one case; City of Lodi, a California Municipal Corporation, and Lodi Financing Corporation, a California nonprofit corporation v. Lehman Brothers, Inc. and US Bank National Association, United States District Court, Eastern District of California, Case No. CIV. S-04-0606 MCE-KJM
- j) Actual litigation: Government Code §54956.9(a); one case; Lehman Brothers Inc., v. City of Lodi and Lodi Financing Corporation, United States District Court, Eastern District of California Case No. CIV-S-04-0850 FCD/JFM
- k) Actual litigation: Government Code §54956.9(a); one case; Fireman's Fund Insurance Company v. City of Lodi, et al., United States District Court, Eastern District of California Case No. CIV-S-98-1489 FCD JFM
- l) Pursuant to Government Code §54956.9(c); conference with legal counsel; anticipated litigation/initiation of litigation regarding Stockton sphere of influence amendment; one potential case

**C-3     ADJOURN TO CLOSED SESSION**

At 5:32 p.m., Mayor Hansen adjourned the meeting to a Closed Session to discuss the above matters.

The Closed Session adjourned at 6:58 p.m.

C-4 RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

At 7:04 p.m., Mayor Hansen reconvened the City Council meeting, and City Attorney Schwabauer disclosed the following actions.

In regard to Item C-2 (a), Council approved the sale of property at \$1.72 per square foot plus costs.

In regard to Item C-2 (b), (c), (d), and (f) through (l), no reportable action was taken in closed session.

In regard to Item C-2 (e), on a 4-1 vote, Council gave direction with regard to a settlement offer.

A. CALL TO ORDER / ROLL CALL

The Regular City Council meeting of September 15, 2004, was called to order by Mayor Hansen at 7:04 p.m.

Present: Council Members – Beckman, Hitchcock, Howard, Land, and Mayor Hansen

Absent: Council Members – None

Also Present: Interim City Manager Keeter, City Attorney Schwabauer, and City Clerk Blackston

B. INVOCATION

The invocation was given by Pastor Frank Palmer, Woodbridge Missionary Baptist Church.

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Hansen.

D. AWARDS / PROCLAMATIONS / PRESENTATIONS

D-1 Awards – None

D-2 (a) Mayor Hansen presented a proclamation to Winona Ellwein with Experience Works proclaiming the week of September 19 to 25, 2004, as "National Employ the Older Worker Week" in the City of Lodi.

D-2 (b) Mayor Hansen presented a proclamation to Alan Vallow, Electric Utility Director, and Sondra Huff, Governmental Affairs Manager, proclaiming the week of October 3 to 9, 2004, as "Public Power Week" in the City of Lodi.

D-3 Presentations – None

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E. CONSENT CALENDAR

In accordance with the report and recommendation of the City Manager, Council, on motion of Mayor Hansen, Beckman second, unanimously approved the following items hereinafter set forth **except those otherwise noted:**

E-1 Claims were approved in the amount of \$7,651,140.57.

E-2 The minutes of August 3, 2004 (Shirtsleeve Session), August 4, 2004 (Regular Meeting), August 24, 2004 (Shirtsleeve Session), August 24, 2004 (Special Meeting), August 31, 2004 (Shirtsleeve Session), August 31, 2004 (Special Meeting), September 7, 2004 (Shirtsleeve Session), and September 7, 2004 (Special Meeting) were approved as written.

The minutes of July 27, 2004 (Shirtsleeve Session) were **removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.**

- E-3 Approved the specifications and authorized advertisement for bids for 288 watthour meters.
- E-4 Approved the specifications and authorized advertisement for bids for 40,000 feet of #1/0 15kV underground cable.
- E-5 Approved the specifications and authorized advertisement for bids for 20,000 feet of #1/0 and 40,000 feet of #350kcmil 600-volt underground triplex.
- E-6 Adopted Resolution No. 2004-183 awarding the purchase of 19 wood utility poles to the low bidder, McFarland-Cascade, of Tacoma, Washington, in the amount of \$11,295.43.
- E-7 "Adopt resolution approving the Improvement Agreement for the Public Improvements of Vintner's Square and associated agreements, including a stop sign at Westgate Drive and Taylor Road and no-parking zone on Westgate Drive from Kettleman Lane to Taylor Road, and appropriate funds for required reimbursements (\$467,000)" was **removed from the Consent Calendar and discussed and acted upon following Ordinances.**
- E-8 "Adopt resolution approving Memorandum of Understanding between City of Lodi and Association of Lodi City Employees (Maintenance and Operators)" was **removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.**
- E-9 Adopted Resolution No. 2004-184 authorizing the City Manager to allocate a Public Benefits Program grant to fund a portion of the Lodi Grape Festival Solar Demonstration Project in the amount of \$50,000.
- In response to Council Member Hitchcock, Rob Lechner, Electric Utility Manager of Customer Service and Programs, reported that grants provided to "for-profit" commercial accounts are capped at \$25,000 and demonstration projects for "non-profit" are capped at \$100,000.
- E-10 Adopted Resolution No. 2004-185 approving the application for grant funds for the State Urban Parks and Healthy Communities Program under the 2002 Resources Bond Act.
- E-11 Adopted Resolution No. 2004-186 approving the application for grant funds for the Youth Soccer and Recreation Development Program under the 2002 Resources Bond Act.
- E-12 Adopted Resolution No. 2004-187 authorizing the destruction of the following records retained by the City Attorney's Office:
- a) Closed Litigation files in excess of two or more years;
  - b) Miscellaneous Memoranda and Correspondence 2001-02; and
  - c) Miscellaneous Claim Files for years 2001-02.
- E-13 "Receive Impact Mitigation Fee Program Annual Report for fiscal year 2003-04" was **removed from the Consent Calendar and discussed and acted upon following Ordinances.**
- E-14 Received the Downtown Lodi Business Partnership (DLBP) 2004-05 Annual Report, adopted Resolution No. 2004-188 of Intent to levy annual assessment, and set public hearing for October 6, 2004.
- Mayor Pro Tempore Beckman noted that the DLBP currently does not pay a fee to the City for collection of its assessment and he asked that a policy be in place prior to approval of the DLBP's budget.
- E-15 Set public hearing for October 20, 2004, to consider adopting resolution establishing area of benefit and reimbursable costs for Kettleman Lane improvements.

- E-16 Set public hearing for November 3, 2004, to consider resolution adopting amended Impact Mitigation Fees for Storm Drainage, Streets and Roads, and Parks and Recreation.
- E-17 "Adopt Resolution of Intention to abandon portion of Maxwell Street; refer the matter to the Planning Commission; and set public hearing for November 3, 2004" was ***removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.***
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ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- E-2 "Approve minutes: July 27, 2004 (Shirtsleeve Session)"

NOTE: Council Member Howard abstained from voting on this matter due to the fact that she was not present at the meeting of July 27, 2004.

MOTION / VOTE:

The City Council, on motion of Mayor Hansen, Beckman second, approved the minutes of July 27, 2004 (Shirtsleeve Session), as written, by the following vote:

Ayes: Council Members – Beckman, Hitchcock, Land, and Mayor Hansen  
Noes: Council Members – None  
Absent: Council Members – None  
Abstain: Council Members – Howard

- E-8 "Adopt resolution approving Memorandum of Understanding between City of Lodi and Association of Lodi City Employees (Maintenance and Operators)"

MOTION / VOTE:

The City Council, on motion of Mayor Hansen, Beckman second, adopted Resolution No. 2004-189 approving Memorandum of Understanding between City of Lodi and Association of Lodi City Employees (Maintenance and Operators). The motion carried by the following vote:

Ayes: Council Members – Beckman, Hitchcock, Land, and Mayor Hansen  
Noes: Council Members – Howard  
Absent: Council Members – None

- E-17 "Adopt Resolution of Intention to abandon portion of Maxwell Street; refer the matter to the Planning Commission; and set public hearing for November 3, 2004"

MOTION / VOTE:

The City Council, on motion of Mayor Hansen, Beckman second, adopted Resolution No. 2004-190 of Intention to abandon portion of Maxwell Street; referred the matter to the Planning Commission; and set public hearing for November 3, 2004. The motion carried by the following vote:

Ayes: Council Members – Beckman, Howard, Land, and Mayor Hansen  
Noes: Council Members – Hitchcock  
Absent: Council Members – None

F. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- Arthur Price stated that the Lodi News-Sentinel reversed his name with Leslie Kreis in its Tuesday edition. He stated that the Sentinel is "notorious" for errors and reporting news that it chooses. He believed that Mr. Kreis deserved more dignity and respect than he was awarded by Mayor Hansen at the September 1 Council meeting.

G. PUBLIC HEARINGS

- G-1 Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Hansen called for the public hearing to consider an appeal received from Key Advertising, Inc., regarding the Planning Commission's decision to deny the request of Key Advertising for a Use Permit to allow a 75-foot-high electronic display sign and a Variance to double the maximum allowable sign area from 480 square feet to 960 square feet to be located at 1251 South Beckman Road.

In response to Council Member Hitchcock, City Attorney Schwabauer reported that a draft development agreement was received from Geweke regarding this issue, to which staff responded. A counter response was received ten weeks ago; however, Mr. Schwabauer stated he had not yet dealt with it due to his workload and higher priorities.

The City Council concurred to re-continue the above public hearing to November 17, 2004.

H. COMMUNICATIONS

- H-1 Claims filed against the City of Lodi – None
- H-2 Reports: Boards/Commissions/Task Forces/Committees – None
- H-3 Appointments – None
- H-4 Miscellaneous
- City Clerk Blackston presented the cumulative Monthly Protocol Account Report through August 31, 2004.

I. REGULAR CALENDAR

- I-1 "Adopt Resolution of Intention to form Lodi Tourism Business Improvement District (LTBID) and adopt resolution appointing the Advisory Board for the Lodi Tourism LTBID"

Interim City Manager Keeter recalled that this matter first arose when the 2004-05 budget was being considered. One of the revenue enhancements discussed at that time was to place a measure on the November 2004 ballot to increase the Transient Occupancy Tax (TOT). Nancy Beckman, Executive Director of the Lodi Conference and Visitors Bureau, proposed that, in lieu of the TOT increase, the hotel and motel owners would create a business improvement district.

City Attorney Schwabauer stated that the Lodi Tourism Business Improvement District (LTBID) would be formed under the same set of laws that govern the Downtown Lodi Business Improvement Area (DLBIA), i.e. the Parking and Business Improvement Law of 1989 found in Streets and Highways Code Section 36500 et. seq. He explained that in order to form a business improvement district the Council must adopt a resolution of intention. The resolution sets forth the name of the proposed district, boundaries, assessment levied against the members of the proposed district, whether new businesses would be exempt, and fix a time and place for a hearing on the formation of the district. If there were a majority protest at the hearing, the district could not be formed. The votes are weighted according to the percentage contribution of each proposed member of the district to the overall income that is created by the district. The LTBID assessment would only apply to stays less than 30 days.

Ms. Keeter noted that Council has received a "blue sheet" revised resolution for this item (filed).

Finance Director Krueger stated that the proposed LTBD would include all 16 hotels within the City of Lodi. The assessment is proposed to be levied on all hotels, existing and future, within the City based upon 3% of the gross short-term room rental revenue beginning January 1, 2005. The number of votes indicated on Exhibit A to the staff report was based on the percentage of total revenues (6% TOT) collected currently. Each quarter the Finance Department will send a return to each of the establishments, from which the hotel/motel owners would indicate the amount of revenues they collected. The City would remit the 3% assessment to the LTBD, less a 5% collection fee, within 30 days.

Discussion ensued regarding the issues of a one-time fee for set up costs and a collection/administrative fee (flat or percentage) policy. Mayor Hansen, Mayor Pro Tempore Beckman, and Council Member Hitchcock agreed that the LTBD and DLBIA should be treated the same in this regard. Council Member Howard favored leaving the language in section 7 of the resolution as is, noting that a percentage offers consistency for the LTBD to anticipate.

Ms. Keeter stated that during the public hearing amendments suggested by Council or the public could be considered.

PUBLIC COMMENTS:

- Nancy Beckman, Executive Director of the Lodi Conference and Visitors Bureau, stated that she was not opposed to considering a start-up cost amount to reimburse the City for its time, nor an administrative fee. She indicated, however, that a policy regarding an administrative fee for all assessment districts would be an equitable way of handling the matter. She pointed out that there are differences associated with the districts that would affect the amount of effort needed to collect the assessments. The LTBD has 16 members; whereas, the DLBIA includes over 200 business owners. The City already bills hotel and motel owners for the TOT, so it would only be a matter of adding a line item for the additional 3% assessment. In addition, she suspected that collections for the LTBD would be much less difficult than the DLBIA because businesses charge their customers the extra 3%; it is not paid out of their own pocket as is done by business owners in the DLBIA.

Council Member Hitchcock felt that the resolution language in section 7 should stay as is. She was opposed to the City charging for start-up costs, as she felt that in the long run it would be an investment and falls under the City's economic development work.

Ms. Keeter noted that quarterly payments are now made by the City to the Lodi Conference and Visitors Bureau and it would be necessary in the future to place an item on the Council agenda changing the name of the payee to Lodi Tourism Business Improvement District.

MOTION/ VOTE:

The City Council, on motion of Council Member Hitchcock, Hansen second, unanimously adopted the following resolutions:

- Resolution No. 2004-191 declaring intention to establish the LTBD and to levy and collect assessments within the LTBD boundaries; and
- Resolution No. 2004-192 appointing the following individuals to the LTBD Advisory Board:
  - Tabitha Freytag, Wine and Roses
  - Beth Kim, Comfort Inn
  - Sonny Patel, Wine Country Inn
  - Sunil Yadav, Modern Motor Lodge
  - Mary Wallace, Frames & Fine Things
  - Kelli Mettler, Wine & Visitor Center
  - Betty Hansen, Jewel Fine Wines

- I-2 "Introduce ordinance amending Chapter 10.04, "Words and Phrases Defined," by adding Section 10.04.010 C (9) defining utility trailer and amending Chapter 10.52, "Regulation of Commercial Vehicle Travel and Parking," by repealing and re-enacting Section 10.52.060 (C) relating to utility trailers"

Public Works Director Prima explained that the definition of utility trailers was removed from the State Vehicle Code a couple of years ago and this amendment would add that definition into the Lodi Municipal Code.

MOTION / VOTE:

The City Council, on motion of Mayor Hansen, Howard second, unanimously introduced Ordinance No. 1752 amending Chapter 10.04, "Words and Phrases Defined," by adding Section 10.04.010 C (9) defining utility trailer and amending Chapter 10.52, "Regulation of Commercial Vehicle Travel and Parking," by repealing and re-enacting Section 10.52.060 (C) relating to utility trailers.

- I-3 "Discussion and appropriate action regarding compensation for Interim City Manager"

Mayor Hansen recommended that Janet Keeter's salary be increased by 10% while she is serving in the capacity of Interim City Manager.

MOTION / VOTE:

The City Council, on motion of Council Member Hitchcock, Land second, unanimously approved a 10% salary increase for the Interim City Manager.

- I-4 "Consider options and give direction regarding the water and wastewater low-income discounts, senior fixed-income discounts, and the Lodi Customer Assistance & Relief Energy (CARE) Package Program"

City Attorney Schwabauer reported that a citizen concern was expressed to a Council Member and subsequently forwarded to him, which related to the application of Proposition 218 to wastewater discounts that were funded through the rate structure as opposed to some other source of revenue. He stated that Proposition 218 does have some language in it that could be used to craft an argument that paying for a discount program through the rate structure is invalid unless it is subjected to a vote. Mr. Schwabauer expressed his opinion that the following language (from Prop. 218) did not apply in this case, "The amount of the fee or charge imposed upon any parcel or person as an incident of property ownership shall not exceed the proportional cost of the service attributable to the parcel." He believed that a discount program was a cost of service, i.e. a cost of running the utility. He pointed out that electric, phone, and gas utilities nearly all have discount programs and it is considered a standard practice in the industry. He also saw it as a tool that allows the City to manage its accounts receivable programs. To the extent that the City can offer a discount in exchange for a partial payment for someone who is having financial difficulty, the City and ratepayers receive more than they otherwise would if the person was unable to pay at all. Mr. Schwabauer stated that it also reduces staff time and expenditures for collections because it provides an opportunity to obtain a payment that otherwise may not be collectible. He believed that the City's discount program would survive challenge under Proposition 218; although, he acknowledged that some city attorney's have a differing opinion. Some cities have chosen not to implement a discount program for their water and wastewater utilities out of concern that Proposition 218 might apply and others have adopted programs and placed them on the ballot as a special tax that requires a two-thirds vote. To avoid the risk of a Proposition 218 challenge, Council could adopt the program and set the source of the discount as a General Fund transfer; however, staff does not recommend that as the total cost of the program is \$140,000 a year. Another option would be to adopt the program and hold its application in abeyance while waiting for the outcome of an election. A third option would be to adopt Ordinance 1750 tonight, take no further action, and allow the program to go forward as contemplated to be funded through the rate structure.

In response to Council, City Clerk Blackston reported that the cost for a special election is approximately \$3.50 per voter. There are 27,000 voters in Lodi, which would bring the cost of a special election to \$95,000. To add a measure on the ballot of a consolidated election would cost between \$5,000 to \$10,000.

Council Member Howard pointed out that a fourth option for Council to consider would be to repeal back to the original program level, which would save the cost of an election and still retain a discount program.

Public Works Director Prima noted that not only was the discount level increased in the proposal, but the eligibility criteria was expanded, the Lodi CARE program was added, and the Electric Utility senior fixed-income discount program was incorporated.

Mayor Hansen stated that prior Councils had spent \$25 million on the Environmental Abatement Program litigation and in his view had accomplished very little, which resulted in the need to increase water rates significantly. The current discount program the City offers is not meaningful to the recipients.

Mayor Pro Tempore Beckman stated that his opinion had not changed since expressed at previous meetings regarding this matter.

Council Member Hitchcock stated that she would be willing to support implementation of the discount program at this time under the condition that the matter be placed on the ballot of the next general election at which the cost would be minimal. She anticipated that this would result in a risk for only a six- to nine-month period.

Council Member Land also voiced support for placing the matter on the ballot at a consolidated election where the cost would be minimal.

PUBLIC COMMENTS:

- Leslie Kreis stated that he had been following this issue since last May and would not return again, as his health condition has been worsening. Mr. Kreis stated that many people on fixed incomes are having difficulty; he expressed his patriotism and asked Council for compassion.

Interim City Manager Keeter clarified that if Council adopts ordinance 1750 tonight the rates would go into effect 30 days from the date of adoption. Should the matter be placed on a future ballot for a public vote, it would be for an affirmation of the action Council had taken tonight.

- Arthur Price stated that the proposed ordinance would not affect him, as he would not qualify for it; however, he was in support of it. Mr. Price facetiously stated that he never thought he would call the Council "cheap" who had spent \$22 million for litigation and \$500,000 for a skate park that no one uses. He quoted from Matthew 23:24: *Ye blind guides, which strain at a gnat and swallow a camel.*

MOTION / VOTE:

The City Council, on motion of Council Member Land, Hansen second, voted to submit the low-income discount program ordinance to the voters as a ballot measure at the next consolidated general election for affirmation purposes. The motion carried by the following vote:

Ayes: Council Members – Hitchcock, Land, and Mayor Hansen

Noes: Council Members – Beckman and Howard

Absent: Council Members – None

J. ORDINANCES

- J-1 Following reading of the title of Ordinance No. 1750 entitled, "An Ordinance of the City Council of the City of Lodi Amending Chapter 13.04 of the Lodi Municipal Code by Repealing and Reenacting Section 13.04.130, Relating to Low-Income Adjustments," having been introduced at a regular meeting of the Lodi City Council held August 4, 2004, the City Council, on motion of Council Member Land, Hansen second, waived reading of the ordinance in full and adopted and ordered it to print by the following vote:

Ayes: Council Members – Hitchcock, Land, and Mayor Hansen  
Noes: Council Members – Beckman and Howard  
Absent: Council Members – None  
Abstain: Council Members – None

ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- E-7 "Adopt resolution approving the Improvement Agreement for the Public Improvements of Vintner's Square and associated agreements, including a stop sign at Westgate Drive and Taylor Road and no-parking zone on Westgate Drive from Kettleman Lane to Taylor Road, and appropriate funds for required reimbursements (\$467,000)"

In response to Council Member Hitchcock, Community Development Director Bartlam reported that Westgate Drive will be constructed to the curb line on the west side, but not to its full ultimate right of way. The travel lanes will be complete in both directions and there will be a landscaped median.

Council Member Hitchcock stated that when the west side of Westgate Drive is improved, parking should be allowed if residential fronts the street.

MOTION / VOTE:

The City Council, on motion of Council Member Hitchcock, Beckman second, unanimously adopted Resolution No. 2004-193 taking the following actions with regard to the Vintner's Square development:

- a) Approving the Improvement Agreement for the Public Improvements of Vintner's Square and directing the City Manager and City Clerk to execute the improvement agreement on behalf of the City;
- b) Authorizing the City Manager to execute a Storm Drainage Detention Basin Operation and Maintenance Agreement for the private storm water detention basin to be constructed with the project;
- c) Authorizing the City Manager to execute a Reimbursement Agreement with the developer for City-funded facilities and appropriated funds for required reimbursements in the amount of \$467,000;
- d) Amending Section 2C of Traffic Resolution 97-148 by approving the installation of a stop sign on Westgate Drive at Taylor Road and the installation of a no-parking zone on Westgate Drive from Kettleman Lane to Taylor Road; and
- e) Authorizing the City Manager to transfer City street right-of-way in Kettleman Lane to Caltrans, executing an amendment to the Agreement for Maintenance of Landscape Area within State Highway 12 Right-of-Way, State Route 12 in the City of Lodi with Caltrans, and a Maintenance Agreement with the developer covering developer's responsibilities for landscape improvements in the Kettleman Lane (State Route 12) right-of-way.

E-13 "Receive Impact Mitigation Fee Program Annual Report for fiscal year 2003-04"

Interim City Manager Keeter explained that this item is to receive the report. Staff will return in October to make a presentation and request approval of the report.

Council Member Hitchcock stated that Council had received communication indicating that Lodi is 40% below others in the regional development fee comparative analysis. In addition, a letter was received, which stated that Lodi had not paid into the Habitat Conservation Plan.

Community Development Director Bartlam explained that development projects that have been approved were not subject to the fees, which is primarily the case in Lodi and this is an issue that the United States Fish and Wildlife Service and Department of Fish and Game may not be aware of. The Council of Governments has hired an outside auditing firm. Staff has provided them with all of the building permit data.

MOTION / VOTE:

The City Council, on motion of Council Member Hitchcock, Hansen second, unanimously received the Impact Mitigation Fee Program Annual Report for fiscal year 2003-04.

K. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- Mayor Hansen asked for the status of the skate park, noting that it has remained closed all summer.

Interim City Manager Keeter replied that the City's Risk Manager is working on the insurance issue.

- Council Member Hitchcock recalled that she had received a phone call from the principal of Lodi High School who informed her that damage was being done to the school facility by skate boarders.

L. COMMENTS BY THE CITY MANAGER ON NON-AGENDA ITEMS

- Interim City Manager Keeter announced the following birthdays:  
Jim Krueger – September 19  
Emily Howard – September 25  
Mike Pretz – October 2  
Susan Hitchcock – October 3

Ms. Keeter reported that she had been contacted by WhyteHouse Productions, which has expressed an interest in coordinating the Kids' Night Out event via sponsorships and is interested in knowing if the City would donate some of the labor costs. Ms. Keeter stated that she would determine what it would cost the City and report back to Council.

M. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 9:11 p.m., in memory of Raymond Sieglöck, father of former Mayor Jack Sieglöck, who passed away on September 8.

ATTEST:

Susan J. Blackston  
City Clerk